

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                       |   |                   |
|-----------------------|---|-------------------|
| BILLIE JOE CHAPMAN,   | ) | 4:13CV3205        |
|                       | ) |                   |
| Plaintiff,            | ) |                   |
|                       | ) |                   |
| v.                    | ) | <b>MEMORANDUM</b> |
|                       | ) | <b>AND ORDER</b>  |
| ELLEN POLAND, et al., | ) |                   |
|                       | ) |                   |
| Defendants.           | ) |                   |

This matter is before the court on its own motion. On December 26, 2013, the court informed Plaintiff that to ensure further consideration of his Complaint, he needed to either tender the \$400.00 filing and administrative fees to the Clerk of the court or submit a request to proceed in forma pauperis and an affidavit of poverty in support thereof. (Filing No. [6](#).) The court provided pauper's forms for Plaintiff's use and stated the forms "should be completed and returned to this court." (*Id.*) The court gave Plaintiff until January 23, 2014, to comply with its December 26, 2013, Memorandum and Order. (*Id.*) In doing so, the court warned Plaintiff that his failure to comply could result in dismissal of the Complaint. (*Id.*)

Plaintiff did not pay the court's filing and administrative fees or complete and return the pauper's forms by the court's January 23, 2014, deadline. (*See* Docket Sheet.) Accordingly, this matter is dismissed because Plaintiff failed to comply with the court's December 26, 2013, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute this matter diligently and failed to comply with this court's orders.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 4th day of February, 2014.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

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